

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the November 5, 2014 Board Meeting
Gifford Medical Center, Randolph, Vermont

Unapproved

1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

Patricia A. King, MD called the meeting to order at 12:10 p.m.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Michael Drew, MD; Allen Evans, Faisal Gill; Robert G. Hayward, MD; William K. Hoser, PA-C; Patricia Hunter; David A. Jenkins; Patricia A. King, MD; Leo LeCours; David Liebow, DPM; Sarah McClain; Joshua Plavin, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Madeleine Mongan, Deputy Executive Vice President, Vermont Medical Society; Lisa Robin, Chief Advocacy Officer, Federation of State Medical Boards; Mimi Kevin, Public Member of the Board of Osteopathic Physicians and Surgeons; Ronald Klein, Executive Officer of the Board of Osteopathic Physicians and Surgeons and the Board of Pharmacy; Meg O'Donnell, Government Relations at Fletcher Allen Health Care; Tracy Hayes, Licensing Administrator – via phone.

2. Discussion of Interstate Compact for Medical Licensing (12:15 to 1:30):

Lisa Robin, Esq., Chief Advocacy Officer for the Federation of State Medical Boards, joined the Board to continue the discussion of the proposed Interstate Compact for Medical Licensure. Ms. Robin reviewed the current regulatory environment related to medical licensure; the key principles of the proposed interstate compact; eligibility requirements to obtain a compact license; the proposed licensure pathway for obtaining a compact license; potential impacts on the disciplinary action process; the proposed development of an Interstate Compact Commission that would coordinate and oversee the compact system for medical licensure; proposed methods of funding and collection of fees; and the next steps in the process toward possible passage and implementation of an Interstate Compact for Medical Licensure.

Members of the Board inquired about the process for application for and maintenance of a compact license; clarification of the role of the commission as related to rulemaking; Vermont representation on the Commission; how licensing and disciplinary information would be collected by and shared among participating Boards; concerns about the implications of an unintentional creation of a 2-tiered licensing system; and questions about whether a physician licensed through the Compact would always be subject to the Compact terms of licensure, or if a license obtained through the Compact could be converted to a "non-Compact license."

Ms. Sproul moved to approve the State of Vermont joining the Interstate Compact for Medical Licensure. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: Dr. Reich.

3. Approval of Minutes of the October 1 and the October 15, 2014 Board Meetings:

Mr. Gill moved to accept the minutes of the October 1, 2014 meeting. Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Hoser moved to accept the minutes of the October 15, 2014 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

None

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update on the status of the physician license renewal. To date, 2350 licensees had submitted a renewal application and 2105 of those had been processed and renewed. 250 were waiting to be reviewed and processed and approximately 1700 licensees had not yet submitted a renewal application. He stated that there has been a slight delay in processing some of the renewal applications due to a malfunction that has caused the system to intermittently reject documents being uploaded with the application. Ms. Hayes and Ms. LaFond have been working with the system vendor to correct the problem, and in the meantime Ms. Hayes is contact the individuals impacted by the malfunction requesting copies of those documents. Mr. Herlihy stated that he hopes the problem will be resolved soon.

Mr. Herlihy stated that as part of the physician license renewal, applicants are required to attest to the completion of the workforce census and to date, 46 of the 2105 licensees who have been processed and approved for renewal did not actually complete the census. Ms. LaFond will be sending a reminder message to those individuals encouraging them to complete the census as it is a form of unprofessional conduct to attest to the completion of the census without truly completing it.

Mr. Herlihy updated the members on the status of hiring a full-time investigator. He stated that an offer had been made to a candidate identified in the most recent recruitment and that individual declined the job offer. He stated that there are a few leads of other potential candidates and he will move forward with another recruitment announcement soon.

Mr. Herlihy informed the members that a new part-time state temp, Carolyn Antone, has been hired in the office to assist with scanning and other projects in the office. Ms. Antone retired from employment with the state a few years ago and has joined the office for roughly 16 hours per week and is a welcome addition to the team.

Mr. Herlihy provided an overview of the proposed increases in the Fee Bill that will be considered by the legislature this year. He stated that the draft proposal has not been finally approved by the Administration, but that it will result in modest increases in all fees except Physician Assistant, which is proposed to have a larger increase from the present level of \$170. That is because fees should, to the greatest extent possible, reflect the cost of licensing and overseeing the profession.

The costs associated with licensing and oversight of PAs are not so different from the costs associated with MDs to justify the big difference between the professions. Once finally approved, the fee proposals will be discussed with key stakeholders in advance of legislative hearings. Mr. Herlihy informed the members that Ms. LaFond has been updating the Monitoring information in HSIN and she will be joining the North Committee meeting this month to get feedback on the format and content.

Mr. Herlihy updated the members on the Marijuana Review Board. He stated that the Department of Public Safety has agreed to take over the appeals process and the Medical Board will continue to appoint members of the MRB. An announcement recruiting interested physicians and osteopathic physicians will be sent out this week in the hopes of identifying candidates to serve on the MRB. The transition is expected to occur in February; the goal is to have the Board vote on appointment of members for the MRB in January.

Mr. Herlihy informed the members that Dr. Gallant has chosen not to serve a second term on the Board and her term will be complete at the end of December. He stated that Dr. Hayward will be moved to the North Investigative Committee, which will leave 2 openings on the Central Investigative Committee so he will keep the members updated on the reconfiguration as it progresses. Also, the Central Investigative Committee will be meeting at the National Life Building in Montpelier starting in January 2015.

6. Presentation of Applications (12:30 p.m. – 12:45 p.m.):

Applications for physician licensure and physician assistant certification were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

7. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

None

8. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

None

9. Reconvene meeting; Executive Session to Discuss:

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

Dr. Hayward made a motion at 2:55 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

10. Return to Open Session; Board Actions on matters discussed in Executive Session:

Dr. Plavin made a motion at 3:59 p.m. to return to Open Session. Dr. Drew seconded the motion.

The motion passed; opposed: none; abstained: none; recused: none.

11. Board Actions on Committee recommendations with regard to any non-confidential matters:

Dr. King, North Investigative Committee, asked to close:

MPN 98-0914 – Letter #1
MPN 91-0914 – Letter #1
MPN 83-0814 – Letter #1
MPN 233-1213 – Stan Burns Letter

Dr. Plavin made a motion to close the cases presented. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

Mr. Jenkins, Central Investigative Committee, asked to close:

MPC 64-0412 – Special Letter #3
MPC 96-0914 – Letter #1
MPC 67-0714 – Letter #1
MPC 55-0514 – Special Letter #1

Dr. Reich made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

Dr. Reich, South Investigative Committee, asked to close:

MPS 79-0814 – Special Letter #1; Dr. Hayward recused.
MPS 40-0514 – Letter #1; Mr. Jenkins recused.
MPS 76-0714 – Letter #1
MPS 17-0314 – Stan Burns Letter; Dr. Plavin recused.

Dr. Hayward made a motion to close the cases presented. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 and South Investigative Committee.

12. Other Business: Continued discussion of closing letters.

Mr. Herlihy provided information regarding DEA Schedules as requested in a previous meeting.

Mr. Herlihy reviewed proposed changes to the statutory language regarding the reporting of physician disciplinary actions by health care institutions. The current law (26 V.S.A. § 1317) was discussed in comparison with Massachusetts & New Hampshire reporting requirements.

Dr. King made a motion in favor of pursuing a legislative change to the language. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Herlihy will provide the Board specific language to consider at the December meeting.

13. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)

- **November 13, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **November 14, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **November 19, 2014, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd Floor Burlington, VT (and via telephone)**
- **November 19, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **December 3, 2014, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **December 3, 2014, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Open Forum:

None

15. Adjourn:

Dr. Hayward made a motion to adjourn. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 4:10 p.m.

Attachments: Appendix A

Respectfully submitted,

Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Dr. King moved for the issuance of physician licenses and physician assistant licenses for:

Matthew Bouteiller, PA-C	Justin Cashman, MD	Keith Curtis, MD
Tarsha Darden, MD	Sarah Capen, PA-C	Naomi Falk, MD
Mia Finkelston, MD	Ryan Flesher, MD	Jay Ginns, AA-C
Enzro Greenidge, MD	Rona Lieberman, MD	Lauren McKinley, MD
Willard Moore, MD	Park Perry, MD	Susan Sharp, MD
Vanessa Tabor, AA-C	Amuyirigboritse Ugbeye, AA-C	Theresa Vaccaro, MD
Pantila Vanichakarn, MD	Sarah Vogel, MD	Emilie Zipagan-Azocar, MD

Recommended by Dr. Plavin for licensure and certification. Seconded by Dr. Hayward. The motion passed; opposed: none; abstained: none; recused: none.

Dr. King moved for the issuance of Limited temporary Physician licenses for:

Nathan Cardoos, MD	Thomas Hoke, MD	Madian Yahya, MD
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Recommended by Dr. Hayward for limited temporary licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; abstained: none; recused: none.